

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

DERRICK C. KESSING,
Plaintiff,

v.

Civil No. 3:21cv709 (DJN)

SERGEANT SMITH, *et al.*,
Defendants.

MEMORANDUM OPINION

Plaintiff, a former Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. To state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on March 25, 2022, the Court directed Plaintiff to submit a particularized complaint within fourteen (14) days of the date of entry thereof. (ECF No. 11.) The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

More than fourteen (14) days have elapsed since the entry of the March 25, 2022 Memorandum Order. Plaintiff failed to submit a particularized complaint or otherwise respond

to the March 25, 2022 Memorandum Order. Accordingly, the action will be DISMISSED
WITHOUT PREJUDICE.

An appropriate Order shall issue.

Let the Clerk file a copy of the Memorandum Opinion electronically and send a copy to
Plaintiff.

/s/



David J. Novak
United States District Judge

Richmond, Virginia
Dated: April 22, 2022